DOCUMENT RESUME

ED 469 212 CE 083 810

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TITLE	The No Child Left Behind Act of 2001: Opportunities for Career Technical Education.
INSTITUTION	National Association of State Directors of Career Technical Education Consortium, Washington, DC.
PUB DATE	2002-07-00
NOTE	11p.
AVAILABLE FROM	For full text (MS Word): http://www.nasdvtec.org/ NCLB.doc.
PUB TYPE	Opinion Papers (120) -- Reports - Descriptive (141)
EDRS PRICE	EDRS Price MF01/PC01 Plus Postage.
DESCRIPTORS	Academic Achievement; Academic Standards; Access to Education; Coordination; Correctional Education; Counseling Services; *Educational Change; *Educational Legislation; *Educational Opportunities; Educational Planning; Educational Policy; Elementary Secondary Education; Equal Education; Federal Legislation; Federal State Relationship; Homeless People; Immigrants; Indigenous Populations; Limited English Speaking; National Standards; Professional Development; *Public Policy; School Counseling; State Regulation; Student Evaluation; Systems Approach; Teacher Qualifications; *Vocational Education; Vocational Education Teachers; Womens Education
IDENTIFIERS	*Career and Technical Education; Carl D Perkins Vocational Technical Educ Act 1998; Ed Flex Partnership Act 1999; Elementary Secondary Education Act; Impact Studies; *No Child Left Behind Act 2001; Reauthorization Legislation; Troops to Teachers; Womens Educational Equity Act

ABSTRACT

Many believe that the No Child Left Behind Act (NCLB) of 2001 represents the most sweeping national education reform legislation in decades. NCLB's provisions have created numerous potential opportunities and challenges for career and technical education (CTE), including in the following areas: (1) teacher quality; (2) expansion of the Education Flexibility Partnership Act of 1999 (Ed Flex); (3) professional development; (4) assessment; (5) counseling; (6) adequate yearly progress; (7) opportunities for Native Americans, Hawaiians, and Alaskans; (8) comprehensive school reform; (9) women's education; and (10) opportunities for other specific groups, such as individuals with limited English proficiency and immigrants, inmates of correctional institutions, and homeless children. Specific implications of NCLB for CTE are as follows: (1) some state CTE programs with a role in core academic courses will have to adhere to new requirements regarding teacher qualifications; (2) NCLB makes various Perkins Act programs eligible for participation in Ed Flex; and (3) all students, including CTE students, will be expected to perform at "proficient" levels on state assessments by 2014. Eight World Wide Web sites dealing with NCLB are listed. (MN)

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STATE DIRECTORS

National Association of State Directors
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July 2002

THE NO CHILD LEFT BEHIND ACT OF 2001

Opportunities for Career Technical Education

In January, President George W. Bush signed into law the No Child Left Behind Act (NCLB) of 2001, the reauthorization of the Elementary and Secondary Education Act (ESEA) of 1965. Many believe that NCLB represents the most sweeping national education reform legislation in decades.

With NCLB now law, it has gone from being an education reform theory to reality, as it now needs to be implemented and adhered to by federal, state and local officials. The legislation, which is over 1,000 pages in length, is daunting to even the most seasoned Washington official, representing a major challenge to state and local officials. In order to deal with these changes and new programs, the Department of Education has tasked Undersecretary of Education Eugene Hickok, former Secretary of Education in the State of Pennsylvania, to head the NCLB implementation team.

Career technical education (CTE) is not immune from the provisions of NCLB, and should not view the law as applying to only elementary and secondary academic education. Past versions of ESEA are weak in the area of secondary education. While NCLB is still heavily focused on K-8, there are provisions that do impact secondary education. **The focus of this piece is to provide initial insight and background on provisions relevant to CTE, outlining potential opportunities and challenges.**

It is important to note that the Department is currently working on NCLB guidance to clarify many provisions in the law (e.g. teacher quality). As the regulatory and implementation process moves forward, NASCDTEc will continue to monitor the information and guidance published by the Department of Education. Any information relevant to CTE will be forwarded to our members. As always, if you have any questions please do not hesitate to contact NASDCTEc at (202) 737-0303.

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COORDINATION WITH PERKINS

During the reauthorization of ESEA, NASDCTEc and the CTE community worked to increase the ties, coordination and involvement of Perkins in ESEA. This was an effort to put more focus on secondary education (Perkins is currently the largest federal investment in secondary schools). Unfortunately, NCLB's impact and connection to secondary education is still limited. Despite this limited impact, NCLB does offer numerous opportunities for coordination with Perkins.

In general, the areas that NCLB seeks to coordinate with Perkins are related to state plans (Title I, Section 1111) and local plans (Title I, Section 1112). There were also opportunities to enhance secondary schools, including the "integration of vocational technical programs" into school-wide improvement programs (Title I, Section 1114) and coordinating these plans with provisions under the Perkins Act where applicable. School-wide improvement programs, according to NCLB, are described as strategies to assess student needs, align curriculum with academic standards, *integrating vocational and technical education programs*, providing professional development for school personnel, college and career awareness and preparation programs and other similar programs. Another area of coordination is for targeted assistance to schools (Section 1115, Targeted Assistance Programs), where Perkins could be coordinated with state and local plans.

TEACHER QUALITY: THE IMPACT ON CTE

Heralded as one of NCLB's cornerstones, the teacher quality provisions (Section 1119) call for a 'highly qualified teacher' (Title IX, Part A, Section 23) in *every* classroom. These provisions hold great potential for direct and immediate impact on CTE.

What constitutes a highly qualified teacher? According to Title IX, Part A, Section 23, a highly qualified teacher in a public elementary or secondary school teacher must have:

- Obtained full state certification (including alternative certification) or passed the state's teacher licensing exam and has a license to teach in that state and
- Has *not* had certification or licensure requirements waived on an emergency, provisional or temporary basis.

Starting in the school year 2002-2003, *all* teachers new to the profession must be highly qualified, meaning that the teacher:

- Holds a bachelor's degree and
- Demonstrates a high level of competency in each of the academic subjects in which the teacher teaches by:
    - Passing a rigorous state academic subject test in each of the academic areas the teacher teaches, which can include passing state-required certification or licensure tests or tests in each of the academic subjects in which the teacher teaches; or

- Successful completion, in each of the academic subjects in which the teacher teaches, of an academic major, a graduate degree, coursework equivalent to an academic major, or advanced certification of credentialing.

For those teachers who are *currently* in the teaching profession, in order to be deemed highly qualified, they must:

- Hold a bachelor's degree and
- Meet the new standards for incoming teachers (as outlined above) or
- Demonstrate competence in all of the academic subject areas in which the teacher teaches.

There was great concern about the impact of these provisions on CTE, prompting the Department of Education to develop guidance clarifying these provisions. According to the Department, "the requirement that teachers be highly qualified applies to public elementary and secondary school teachers who teach a **core academic subject**. The term 'core academic subjects' means English, reading or language arts, mathematics, science, foreign languages, civics and government, economics, arts, history, and geography." (Title IX, Part A, Section 23)

In addition, the Department states explicitly in the guidance document how the highly qualified teacher provision relates to career technical education:

> "HIGHLY QUALIFIED VOCATIONAL EDUCATION TEACHER:
>
> **Only vocational education teachers who teach core academic courses are required to meet the definition of a highly qualified teacher.** The term "core academic subjects" is defined in ESEA as "English, reading or language arts, mathematics, science, foreign languages, civics and government, economics, arts, history and geography."
>
> For example, a vocational teacher who teaches a course in Applied Physics for which students receive a science credit must hold a 4-year degree, be licensed or certified by the State, and demonstrate subject matter competence in order to be considered highly qualified. Although the course is taught by a vocational teacher, it is counted as a science credit; therefore, it is considered a core academic requirement and the teacher must meet the definition of a highly qualified teacher."

While this guidance does provide clarification to many states and CTE teachers, some state CTE programs that have a role in core academic courses will have to adhere to the provisions of Section 1119. NASDCTEc will continue to work with these states and the Department of Education to ensure that those states impacted by Section 1119 meet the requirements of the law in a way that is mutually beneficial for the Department and for the states.

AN EXPANSION OF ED FLEX

In 1999, President Clinton signed into law the Education Flexibility Partnership Act of 1999, an expansion of the Ed Flex demonstration program enacted in 1994 under Goals 2000. Ed Flex allows states to enter into an agreement with the Secretary of Education to *waive requirements of certain federal education programs* that a state feels is restricting education reform or program improvement. States receive flexibility in the implementation of federal education programs in exchange for increased student achievement. In Ed Flex 1999, the opportunity to apply for Ed Flex waivers was extended to all states. States apply to the Secretary requesting a waiver of federal programs requirements.

Title X, Section 1073 of NCLB updates Ed Flex to reflect the changes made to the law. Under NCLB, the following programs are eligible for Ed Flex:

- Part A of Title I (other than sections 1111 and 1116) (Improving the Academic Achievement of Disadvantaged Children)
- Subpart 3 of Part B of Title I (Even Start Family Literacy Programs) (NOTE: Ed-Flex states may *not* waive requirements of the new Reading First or Early Reading First Programs (subparts 1 and 2 of Part B of Title I))
- Part C of Title I (Education of Migratory Children)
- Part D of Title I (Prevention and Intervention Programs for Children and Youth Who Are Neglected, Delinquent, or At-Risk)
- Part F of Title I (Comprehensive School Reform)
- Subparts 2 and 3 of Part A of Title II (Teacher and Principal Training and Recruiting)
- Subpart 1 of Part D of Title II (Enhancing Education through Technology)
- Subpart 4 of Part B of Title III (Emergency Immigrant Education, if this program is funded)
- Subpart 1 of Part A of Title IV (Safe and Drug-Free Schools and Communities)
- Part A of Title V (Innovative Programs)
- **The Carl D. Perkins Vocational and Technical Education Act**

A state *cannot* waive the following provisions in any Ed Flex eligible programs:

- Maintenance of Effort;
- Comparability of services;
- Equitable participation of students and professional staff in private schools;
- Parental participation and involvement;
- Distribution of funds to state and local education agencies;
- Serving eligible school attendance areas in rank order according to ESEA;
- Selection of a school attendance area;
- Use of federal funds to supplement and not supplant non federal funds; and
- Applicable civil rights requirements.

In order for a state to participate in Ed Flex, regardless of what program requirements it applies to have waived, it **must:**

- Develop and implement the standards and assessments required under Title I of ESEA/NCLB.

- Hold LEAs and schools accountable for the education goals they outlined in their waiver application to the state.
- Provide technical assistance and corrective action for those schools who have not met their adequate yearly progress goals.
- Waive state requirements relating to these education programs while still holding LEAs and schools accountable for student performance.

PROFESSIONAL DEVELOPMENT

NCLB requires coordination with Perkins in School-wide Reform Programs (Title I, Section 1114). As a result, the mandate that NCLB professional development programs coordinate with professional development activities supported by other education legislation (including Perkins), presents an excellent opportunity for coordinated, comprehensive professional development for *all* teachers.

In addition, the teacher quality provisions of NCLB require that professional development for teachers and paraprofessionals to be coordinated with other education programs (Section 1119 of Title I).

ASSESSMENT

A major focus of NCLB is assessment in reading and math in grades 3 through 8, which are benchmarked by NAEP assessments to be given in 4^{th} and 8^{th} grade. However, what is not as widely known are the mandatory high school assessments. NCLB requires that an assessment in reading and math must be given in at least one of the grades in high school (either 10^{th}, 11^{th}, or 12^{th} grade) by the 2005-2006 school year. Also, an assessment in science must be given in high school in either the 10^{th}, 11^{th}, or 12^{th} grade.

COUNSELING

While much publicity is given to the teacher shortage in America, it is often overlooked that there is a severe shortage of school counselors. NCLB expands ESEA's counseling program to include secondary school counselors in Title V (Promoting Informed Parental Choice and Innovative Programs), Section 5421, 'Elementary and Secondary School Counseling Programs.'

Under Section 5421, the Secretary of Education can award grants of up to $400,000 to LEAs in order to expand counseling programs in elementary and secondary schools. Priority for these grants go to schools that have an extremely high counselor to student ratio, propose innovative programs or propose counseling programs that have "the greatest potential for replication and dissemination." Also, the Secretary is required to equitably distribute the grants by rural, urban and suburban areas.

The uses of funds under Section 5421 are very broad. However, there is a provision that allows LEAs to partner with "public or private entities" to expand and promote counseling services in the school, meaning schools could conceivably use these funds to partner with business and industry on counseling programs.

ADEQUATE YEARLY PROGRESS (AYP)

A hallmark of NCLB is an accountability mechanism called Adequate Yearly Progress or AYP. AYP has many similarities to the accountability provisions in Perkins as NCLB requires states to set goals for student achievement, similar to Perkins' negotiated levels of performance. Under NCLB *all* students reach the 'proficient' level on state assessments by 2014. In order to achieve this, states are required to set goals for specific subpopulations to measure annual progress. There are rewards and sanctions for states that exceed or do not meet their performance goals. LEAs are also held accountable by the states for AYP, and a similar system of rewards and sanctions can be used, along with technical assistance for failing schools.

All students, including CTE students, will be impacted by AYP. The goal that all students will be able to perform at proficient levels by 2014 means that states and locals will be intensely focusing on academic achievement. Some have forecasted that this focus on academics will result in a reduction of secondary CTE programs. In some states, we are already seeing increased academic courses for graduation, therefore reducing the time available to students to take career technical courses. This falsely assumes that simply taking more academic courses will increase academic achievement. It also reinforces the unfortunate belief that students must take career technical or academic education. One possible area for coordination is that CTE students could be identified by states as a subgroup with performance goals to be met. This would allow for coordination of academic achievement accountability across NCLB and Perkins, thereby easing the burden of collecting similar data on the same student population. AYP is a very controversial issue that has great impact on states, therefore many of these issues are still being worked out by the Department of Education. A group has been appointed to work through the negotiated rulemaking process, that will result in guidance and regulations on AYP.

OPPORTUNITIES FOR NATIVE AMERICANS, HAWAIIANS AND ALASKANS

NCLB provides numerous opportunities for CTE students of Native American origin (including Native Hawaiians and Alaskans). Under Section 7205, Native Hawaiian Education programs are to assist in "the development of academic and vocational curricula to address the needs of Native Hawaiian children and adults, including curriculum materials in the Hawaiian language and mathematics and science curricula that incorporate Native Hawaiian tradition and culture." In addition, "the operation of community-based learning centers that address the needs of Native Hawaiian families and communities through the coordination of public and private programs and services, including... vocational and adult education programs" can be supported by Section 7205.

Native Alaskans have a unique opportunity under Section 7304 of NCLB to develop 'regional vocational schools' in rural areas, including the purchasing of equipment and the establishment of boarding schools for grades 9 – 12 to train Native Alaskan youth for meaningful employment or higher education. This is a permissible activity under the Native Alaskan Education section of NCLB.

For Native Americans (referred to as both Native American and Indian Education in NCLB), there are numerous opportunities mentioned throughout NCLB to ensure that Native American children and adults receive CTE training. In particular, Section 7115 authorizes "career preparation activities to enable Indian students to participate in programs such as the programs

supported by the Carl D. Perkins Vocational and Technical Education Act of 1998, including programs for tech-prep education, mentoring, and apprenticeship."

COMPREHENSIVE SCHOOL REFORM

NCLB authorizes the Comprehensive School Reform (CSR) program, which replaces the Comprehensive School Reform Demonstration (CSRD) program, supported in the past through the appropriations process.

CSR "is built on the premise that unified, coherent, and integrated strategies for improvement, knitted together into a comprehensive design, will work better than the same strategies implemented in isolation from each other." There are several differences between CSR and the former CSRD:

- Authorizing Legislation: NCLB now expressly authorizes the program (Title I, Part F). In previous years, the program was governed by language in the appropriations legislation and accompanying conference reports. For FY 2002, Congress appropriated funds under the new CSR authority in Title I, Part F as well as under the broad Fund for Improvement of Education authority.

- Scientifically Based Research or Strong Evidence of Success: The new legislation contains a stringent requirement that the program must be found, through scientifically based research, to improve significantly the academic achievement of participating students, or that the program be found to have strong evidence that it will accomplish this goal.

- State Educational Agency (SEA) Responsibilities: Under the new legislation, SEAs must ensure that funded programs include each of the eleven required components, have the capacity to improve the academic achievement of all students in core academic subjects, and are supported by high-quality technical assistance providers.

- Accountability: SEAs must now conduct annual evaluations of the implementation of comprehensive school reforms and measure the extent to which the reforms have resulted in increased student academic achievement. SEAs must submit a copy of their annual CSR evaluation to the Department of Education.

- Priority in Awarding Sub-grants: SEAs are now required to give priority in the awarding of sub-grants under Title I, Part F to LEAs or consortia that (1) plan to use the funds in schools identified for improvement or corrective action under section 1116(c) of NCLB; *and* (2) demonstrate a commitment to assist these schools in their reform efforts.

- Support for Teachers and Professional Staff: The new legislation contains an explicit requirement that a comprehensive school reform program provide support for teachers, principals, administrators, school personnel staff, and other professional staff.

WOMEN's EDUCATIONAL EQUITY ACT-THE 'OTHER' WEEA

The Women's Educational Equity Act (Section 5611), parallels Perkins by working to ensure that women have equal access to education and careers, especially those that are considered non-traditional for women. Under NCLB, WEEA programs are designed "to increase

educational opportunities, including higher education, vocational training, and other educational programs for low-income women, including underemployed and unemployed women," as well as to develop and improve programs to ensure the provisions above are met.

OTHER OPPORTUNITIES IN NCLB FOR CTE

In Title III, **Limited English Proficient and Immigrant Programs**, includes as allowable activities tutoring and training for LEP and immigrant students in vocational education, along with their academic programs. This provides an additional opportunity for LEP and immigrant students to receive education and training to prepare them for employment, further education, and immersion into an English language based society and economy.

Correctional Facilities receiving funds under NCLB's Section 1425 requires coordination of these funds with funds already provided for vocational technical education for education programs in correctional facilities. Section 1418, transitional services for students, provides for counseling and services to assist students to enter postsecondary education or vocational technical education programs.

Troops-to-Teachers, a program designed to encourage retiring members of the Armed Forces to enter the teaching profession, has gained momentum in recent years. In NCLB, under Title II, Section 2302, Troops-to-Teachers is outlined, including the standards for a former member of the Armed Services who wants to become a vocational technical teacher. To become a vocational technical teacher under this program, a candidate must have completed at least one year of college or equivalent from an accredited institution and at least six years of military experience in a vocational technical field. The candidate also must meet the certification and licensure requirements for a vocational technical education teacher in that state. Troops-to-Teachers candidates must agree to teach in a high-need school for at least three years.

Title X, Section 1032 of NCLB, allows for vocational technical education programs to be available for **homeless children**. Title X, Section 1076 (k) changes references to ESEA in the Perkins Act based on the changes to the section numbers in ESEA made by NCLB (charter schools, educational service agencies.)

RESOURCES

United States Department of Education, No Child Left Behind websites:

For Educators/Policymakers:

http://www.ed.gov/offices/OESE/esea/index.html

For Parents:

http://www.nochildleftbehind.gov

Teacher Quality:

http://www.title2.org

The White House Education Reform website:

http://www.whitehouse.gov/infocus/education

The United States House of Representatives, Committee on Education and the Workforce:

http://edworkforce.house.gov/issues/107th/education/nclb/nclb.htm

The United States Senate Committee on Health, Education, Labor and Pensions:

http://www.senate.gov/-labor

The Learning First Alliance is a coalition of major elementary and secondary education associations, including the: American Association of Colleges for Teacher Education (AACTE), American Association of School Administrators (AASA), American Federation of Teachers (AFT), Association for Supervision and Curriculum Development (ASCD), Council of Chief State School Officers (CCSSO), Education Commission of the States (ECS), National Association of Elementary School Principals (NAESP), National Association of Secondary School Principals (NASSP), National Association of State Boards of Education (NASBE), National School Boards Association (NSBA), National Education Association (NEA) and The National PTA:

For a summary of the major provisions of NCLB published by the Learning First Alliance, go to: http://www.learningfirst.org

The National Association of State Directors of Career Technical Education Consortium (NASDCTEc) - www.nasdvtec.org

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April 2002

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